

CREATING AN EFFECTIVE SHORELAND ZONING ORDINANCE:

A Summary of Wisconsin Shoreland Zoning Ordinances



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PREFACE

This document is intended to provide a summary of Wisconsin county shoreland zoning ordinances. These summaries are not to be used in lieu of any specific ordinance. For any questions relating to site specific concerns, please refer to the official shoreland zoning ordinance for the county of concern or contact the zoning department for that county.

This publication is separated into three sections. A brief history of Wisconsin's Shoreland Management Program is found immediately after this preface. The current state of affairs is discussed in Chapters One and Two. Chapter One describes the components of a shoreland zoning ordinance and its goals. Chapter Two contains two page summaries of seventy-one shoreland zoning ordinances from counties in Wisconsin. The only county not represented is Milwaukee County. Milwaukee County is completely incorporated, so Chapter NR 115, Wis. Admin. Code, does not apply.

The remaining chapters look at what the future may hold. Thirteen different components of a shoreland zoning ordinance are discussed in detail. Each chapter contains five sections:

- Section A - maps representing the distribution of various ordinance approaches,
- Section B - a brief summary of the issue,
- Section C - a matrix of what each county requires for the issue,
- Section D - sample ordinance language from across the state illustrating various approaches to the issue, and
- Section E - resources relevant to the issue, including videos, presentations, educational materials and technical references.

The thirteen components selected for this text represent just a portion of the tools available to communities who are considering updating their shoreland zoning ordinance. Consequent updates to this publication will incorporate new strategies being tried throughout the state.

This guide does not attempt to determine which approaches are right or wrong, but tries to address the advantages and disadvantages of the different methods. The final determination of what method is appropriate will vary with each community's intent and goals. We encourage information sharing. If within this document, you find an innovative approach to a situation your community is facing, please contact the county involved to find out the benefits and practical limitations.

Since zoning ordinances are often amended to reflect the needs of their community, this publication will be periodically updated as well. To assist in determining the timeliness of various ordinances, each two-page summary in Section Two has the date of the last amendment in the bottom right corner. Please keep in mind that the ordinance you are looking at may be out-of-date.

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WISCONSIN'S SHORELAND MANAGEMENT PROGRAM

Wisconsin has a long planning tradition. In 1909, it was one of the first states to enact zoning-enabling legislation. In 1923, the state legislature granted counties the power to zone unincorporated areas with town board approval. This county-based zoning structure provided the foundation for future land-use initiatives, including shoreland and floodplain zoning. The legislature expanded county zoning powers in 1935 to include regulating land uses along natural water courses, subject to town board approval (Bernthal and Jones 1997).

In June 1966, the Wisconsin legislature approved the Water Resources Act. This act expanded the state's role in protecting water resources by strengthening and reorganizing the state's regulatory, planning and information gathering functions. The act also gave the Department of Resource Development (now the Department of Natural Resources) general supervision and control over Wisconsin's waters.

The Water Resources Act also created one of the first shoreland zoning programs in the United States, section 59.692, Wisconsin Statutes, which was implemented with the adoption of Wisconsin Administrative Code Chapter NR 115 – Wisconsin's Shoreland Management Program to protect lakes and streams from contamination by adjacent land uses (Fish and Henderson 1978). The shoreland management program dealt with all unincorporated land and was to be administered by the counties.

The Department of Resource Development (now the Department of Natural Resources) was required by the Act to develop statewide minimum standards for counties to manage water resources and to provide oversight and technical assistance through its Shoreland Management Program. Local governments were then required to adopt, administer and enforce a shoreland ordinance that met or exceeded the minimum standards by January 1, 1968. A model shoreland ordinance was developed to aid counties in this process (Bernthal and Jones 1997). The act also required counties, cities, and villages to adopt floodplain zoning by the same date (Department of Governmental Affairs and Department of Urban and Regional Planning, 1978).

Wisconsin's Administrative Code Chapter NR115 contains the minimum statewide shoreland zoning standards counties were required to meet. They include:

REGULATION	STANDARD
Minimum Lot Size	Sewered = 10,000 square feet; Unsewered = 20,000 square feet
Minimum Average Lot Width	Sewered = 65 feet; Unsewered = 100 feet
Minimum Shoreland Building Setback	Unless an existing pattern of development exists, all buildings and structures, except piers, boat hoists and boathouses, shall be setback a minimum of 75 feet from the ordinary high-water mark.

Tree and Shrubbery Cutting	In a strip 35 feet wide inland from the ordinary high-water mark, no more than 30 feet in any 100 feet shall be clear cut.
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These standards were developed to “further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structure and land uses and reserve shore cover and natural beauty” as described in Section 281.31, Wisconsin Statutes. The standards have remained largely unchanged except for the addition of shoreland-wetland protection provisions during the 1980’s (Bernthal and Jones, 1997).

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